

SCOTT N. SCHOOLS (SCSBN 9990)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

H. H. (SHASHI) KEWALRAMANI (TXSBN 796879)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3717
Facsimile: (510) 637-3724
E-mail: Shashi.Kewalramani@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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|---------------------------|---|--------------------------------------|
| UNITED STATES OF AMERICA, |) | Case No. 07-70574 WDB |
| |) | |
| Plaintiff, |) | STIPULATION TO WAIVE TIME UNDER |
| |) | SPEEDY TRIAL CLOCK AND FOR |
| v. |) | PRELIMINARY HEARING |
| |) | |
| MICHAEL MARTIN, et al., |) | Date: October 19, 2007 |
| |) | Time: 10:00 a.m. |
| Defendants. |) | |
| |) | Before the Honorable Wayne D. Brazil |

This matter is set to come before the Court for Preliminary Hearing or Arraignment on October 19, 2007 at 10:00 a.m. The United States has provided a substantial amount of discovery to defendants' counsel and will be providing additional discovery shortly. The parties had originally agreed to waive two days, such that the preliminary hearing could be held on October 19, 2007, which would allow counsel to review the discovery before further charging decisions are made. In light of the Court's unavailability on October 19, 2007, Michael Martin, Jessica Sanders, and Michael Anderson have agreed to waive the necessary additional time under Fed. R. Crim. P. 5 and the Speedy Trial Act, 18 U.S.C. § 3161, such that the preliminary hearing date is extended to October 26, 2007 at 10 a.m.

1 For the same reasons, the remaining defendant, Diallo McLinn also agrees to waive the
2 additional time necessary to allow the preliminary hearing to occur on October 26, 2007. None
3 of the defendants are in custody and this is the first stipulation by the parties.

4 As indicated by Mr. McLinn signature, he has consulted with his attorneys and
5 understand that he has the right to a preliminary hearing or that further charging documents be
6 presented and filed with the Court on the day of or before his preliminary hearing. Pursuant to
7 Fed. R. Crim. P. 5.1(d), Mr. McLinn knowingly and voluntarily waive his rights to a preliminary
8 hearing on October 19, 2007 and agrees to extend the time for a preliminary hearing until
9 October 26, 2007 at 10:00 a.m. The parties also agree that there is good cause present to grant
10 the extension in light of the discovery provided and additional discovery to be provided, and for
11 the defendant's counsel to effectively prepare.

12 The parties also jointly request that the time between October 19, 2007 and October 26,
13 2007 be excluded under the Speedy Trial Clock to allow Mr. McLinn's counsel to review the
14 discovery to be provided and effectively prepare taking into account the exercise of due
15 diligence. See 18 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties agree that the
16 "ends of justice served by the granting of such continuance outweigh the best

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interests of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(8)(A).

DATED: October 16, 2007,

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

/s/
H. H. (SHASHI) KEWALRAMANI
Assistant United States Attorney
Attorney for the United States

/s/
LEWIS ROMERO
Attorney for Diallo McLinn

/s/
DIALLO MCLINN
Defendant